

REMARKS

Election/Restrictions

The Office Action requests restriction of the present application to one of the following four asserted inventions under 35 U.S.C. § 121:

Group I – Claims 1 - 21 and 55 - 75, drawn to a composite;

Group II – Claims 22 - 35, drawn to a composition;

Group III – Claims 36 - 54, drawn to a method of making a composite; and

Group IV – Claims 76 - 77, drawn to a method of etching polytetrafluoroethylene.

Applicant respectfully traverses this restriction requirement.

Distinctiveness in Restrictions

Group I, Claims 1 - 21 and 55 - 75, is drawn to a composite and Group II, Claims 22 - 35, is drawn to a composition. The Office Action (page 2) states that these two sets of claims are related as mutually distinct species in an intermediate-final product relationship and that the intermediate product (presumably the composition of Group II) is deemed to be useful as an outer coating for an article made of fluorocarbon. However, the Office Action does not set forth a utility of such a composite having such an outer coating, apart from the utility brought forward for the disclosed coated PTFE layer (polytetrafluoroethylene being a species of fluorocarbon) in the application as the composite is being formed.

Group I, Claims 1 - 21 and 55 - 75, is drawn to a composite and Group III, Claims 36 - 54, is drawn to a method of making a composite. The Office Action (page 3) states that these two sets of claims are distinct insofar as the product could be made by coating the aqueous admixture onto the structural material and then pressing an etched surface of a polytetrafluoroethylene article against the aqueous mixture. However, utility of such an approach is also not explicitly established.

Group I, Claims 1 - 21 and 55 - 75, is drawn to a composite and Group IV, Claims 76 - 77, is drawn to a method of etching polytetrafluoroethylene. The Office Action (page 3) states that these two sets of claims are distinct insofar as the process could make a materially different product such as an article consisting of etched polytetrafluoroethylene. However, the nature of the materially different product is not established or further defined; in this regard, Applicant respectfully notes that the first element of Claim 1 brings forward that the composite article of Claim 1 comprises etched polytetrafluoroethylene.

Accordingly, Applicant believes that the Office Action is lacking sufficient rationale for restriction on the basis of independent and distinct inventions (as summarized in section 8 of the Office Action on page 5) as outlined above and also in the closely comparable arguments for restriction in the comparison of Group II to Group III, Group II to Group IV, and Group III to Group IV. Accordingly, Applicant respectfully requests withdrawal of the restriction requirement.

Lack of Burden

The Office Action does not appear to bring forth that prosecution of the present application in its entirety, including Claims 1 - 77, would present a burden. Moreover, the independent status of the allegedly separate claimed inventions must be demonstrated by providing an appropriate explanation of separate classification, separate status in the art, or a different field of search. The Office Action makes none of these showings. Thus, Applicant respectfully requests consideration and withdrawal or modification of the restriction requirement (MPEP § 808.02).

Request for Withdrawal or Modification of the Restriction Requirement

Applicant respectfully therefore submits that the Office Action does not establish a prima facie showing that the claimed inventions are independent and/or that there is a serious burden on the Examiner.


Provisional Election of Invention under 37 CFR § 1.143

As required under 37 C.F.R. § 1.143, Applicant hereby elects Claims 36 - 54 (Group III) directed to methods of making composites.

Applicant submits that the pending claims are in condition for allowance, and requests that this application be allowed. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Ronald Wangerow at (734) 354-5445.

Respectfully submitted,

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By: 

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